

FISCAL NOTE

HB 249 - SB 1443

February 26, 2001

SUMMARY OF BILL: Revises provisions regarding the criminal offense of custodial interference, which include:

- Removes the category of individuals adjudged to be mentally incompetent from scope of this law;
- Changes the reference to geographical area from *vicinity* to *state*;
- Actions may be a violation if:
 - Detains the child within the state or removes the child from the state for more than 24 hours past the approved visitation period;
 - Harbors or hides the child knowing that possession of the child obtained by another person in violation of a judgment/order;
 - Acts as an accessory to a violation of the bill.

If the defendant voluntarily returns the child prior to being arrested or the issuance of a warrant for arrest, the offense would be a Class A misdemeanor. If the child is removed/detained for 15 days or less, the offense would be a Class E felony. If the child is removed/detained for more than 16 days, the offense would be a Class D felony. It would be a defense under this bill that the defendant's removal/detention of the child was done out of reasonable belief that the child's health, safety, or welfare was in immediate danger.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$14,000/Incarceration*

Increase Local Govt. Expenditures - Not Significant

Increase Local Govt. Revenues - Not Significant

Assumes one additional Class E felony conviction and one additional Class D felony conviction each year. Also, impact upon local government depends upon the number of persons convicted of the Class A misdemeanor offense and the resulting increased cost to local governments to confine such persons versus the increased revenues to local governments from fines levied and collected under the provisions of this bill. Such impact is estimated to be not significant.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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